

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DALE J. BURCH, SR.,

Plaintiff,

v.

STEVE DEVLIN, Director,
HEATHER BOWSER, Counselor,
CARLA MOMULA, Supervisor,

Defendants.

2:03cv1995
Electronic Filing

Judge Cercone/
Magistrate Judge Hay

MEMORANDUM ORDER

AND NOW, this **16th** day of November, 2006, after the plaintiff, Dale J. Burch, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Document No. 53), which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the complaint is dismissed for failure to prosecute.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff/defendant desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



DAVID STEWART CERCONE
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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